

REMARKS

Claims 57-60, 63, 64, 66-69, 71-81, and 83-107 were pending and were examined in the Office Action dated May 17, 2005. Claims 57 and 58 were the only independent claims in the case; all other claims depended from one or both of them. The Office Action rejected claims 57, 59-60, 63-71, 76-81, 83, and 85-104 for obviousness over Stylli and Photiou et al.; claims 72-75 were rejected over these same references further in view of Walsh. In response to the Final Office Action, and within five months of filing a Notice of Appeal on November 21, 2005, Applicant submits these remarks accompanying a request for continued examination. A petition for a three month extension of time is submitted herewith. Applicant respectfully submits that the filing of this response on April 21, 2006 is timely.

Applicant appreciates the Examiner's time and discussion March 21, 2006 during a telephonic interview in which claims 57 and 58, and proposed amendments, which are contained herein, were discussed.

The Examiner issued a Restriction Requirement in the Office Action mailed May 17, 2005. Because an office action had been issued in the originally presented invention, the Examiner found an invention had been constructively elected for prosecution on the merits and withdrew Claims 58, and 105-107 as being directed to a non-elected invention.

Applicants respectfully traverse the Restriction Requirement and request rejoinder of claims 58, and 105-107. Claims 58 and 105-107 are directed to methods which encompass all the steps of Claim 57, yet a plurality of reagents are utilized in order to detect more than one post-translational event in order to generate a fingerprint. See, for example, at Fig. 13 and description of Fig 13, at pages 20-21, page 41, line 21 through page 42, line 14, and Example 12, of the specification as filed. Applicants thus respectfully submit each of claims 57 and 58 and claims depending therefrom are not distinct inventions. Further, Applicant submits a search of the subject matter of claim 58 and claims depending therefrom is co-extensive with those of claim 57 and claims depending therefrom. Thus, search and examination would pose no undue burden on the examiner. Reconsideration and withdrawal of the requirement, and subsequent rejoinder of claims 58, and 105-107 is requested.

The present Amendment amends claims 57 and 58, the only independent claims in the case, so that they now recite methods relating to the intracellular detection of a post-translational modification event. This language is fully supported by the specification as filed (see, for example, Fig. 5, Fig. 6, Fig. 10, Fig. 11, page 31, line 23 – page 32, line 15, Example 4, etc.), and also reflects the invention previously recited, for example, in claim 79. Claim 57 has been amended to clarify a plurality of antibodies are used for detection of a plurality of post-translational modification events so as to generate a fingerprint. This language is fully supported by the application as filed (see, for example, Fig. 13 and description of Fig 13 at pages 20-21, page 41, line 21 through page 42, line 14, Example 12, etc.).

The present Amendment also cancels claims 60, 72-75, 78-79, 81, and 84, and adds new claims 108-110. No new matter is added by these changes.

Applicant respectfully submits that the present Amendment obviates all outstanding rejections. Specifically, none of the cited references discloses a method for detecting post-translational modification of a polypeptide, let alone by assaying intracellularly for antibody binding to an intracellular component, or in a high-throughput format (i.e., at least 96 wells).

Stylli does not discuss any particular assay, but rather is directed to an automated and integratable workstation for performing any assay that a user can manage to adapt to the format. Even among Stylli's extensive lists of possible assays, intracellular detection of post-translational modification of a polypeptide is not included.

The only assay described by Photiou is detection of tubulin. There is no mention of any assay that could provide intracellular detection of post-translational polypeptide modification.

Similarly, Walsh describes only one assay, for BrdU incorporation into replicating DNA. There is no mention of any assay that could provide intracellular detection of post-translational polypeptide modification.

For all of these reasons, there is no possible combination of the cited references that could render obvious the pending claims; the rejection should be removed.

Applicant respectfully submits that all rejections outstanding in this case are obviated by the present Amendment, and the pending claims should be allowed. Early Notice to that effect is earnestly solicited.

CONCLUSION

Based on the Remarks presented above, Applicant submits that the claims, as amended herein, are allowable over the art of record. The claims are fully supported by the specification and the amendments presented in the present paper do not present new matter. The patent should issue. A Notice to that effect is respectfully requested.

A Notice of Appeal was filed November 21, 2005. A petition for a three month extension of time is filed herewith. It is believed that the present submission is timely and no additional fees or extensions of time are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required for consideration of this paper (including fees for net addition of claims) are authorized to be charged to our Deposit Account No. 03-1721.

Respectfully submitted

Dated: April 21, 2006



Kerri Pollard Schray, Ph.D.
Attorney for Applicant
Registration. No. 47,066

PATENT GROUP
CHOATE, HALL, & STEWART LLP
2 International Place
Boston MA 02110
Telephone: 617-248-5000
Facsimile: 617-248-4000